

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE:) Case No. 22-31741

STEVEN R. FLINT

) Chapter 7

Debtor

Judge Guy R. Humphrey

STEVEN R. FLINT)

611 Beatrice Drive)

Dayton, OH 45404)

Movant)

Vs.)

NATIONWIDE MUTUAL)
INSURANCE)

**MOTION TO AVOID JUDICIAL LIEN
PURSUANT TO 11 U.S.C. § 506 (d)
AND 522 (F) AND 524(A)**

c/o Zeehandelar, Sabatino &)

Associates, LLC)

471 East Broad St.,)

Ste. 1500)

Columbus, OH 43215)

and)

CT Corporate Service Company)

Statutory Agent)

135 N. Pennsylvania St.)

Indianapolis, IN 46204)

Respondents)

Now comes the Debtor, Steven R. Flint, by and through her attorney, and pursuant to 11 U.S.C. § 506 (d) and Section 522 and 524 (a) states that:

1. Debtor, Steven R. Flint filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code on December 21, 2022.

2. This Court has jurisdiction over this motion, filed pursuant to 11 U.S.C. § 522 (f) and § 524 (a), to avoid and cancel a judicial lien held by Nationwide Mutual Insurance Company.

3. The debtor owns and resides in real estate located at 611 Beatrice Drive, Dayton, Ohio 45404 ("the Property"). Said property's legal description is: *Situated in the City of Riverside, County of Montgomery, and State of Ohio and being Lots Numbers FIFTY-FIVE (55) and FIFTY-SIX (56) Avondale Plat, as recorded in Plat Book P, Page 13 of the plat records of Montgomery County, Ohio. Parcel Nos. I39-00611-0025 and I39-00611-0026.*

Said Property's value is exempt as per the Ohio Revised Code Ann. §2329.66 (A)(1). Debtor is entitled to take the full exemption amount of \$86,570.00 as per the O.R.C.

4. Debtor's residential property is subject to a first mortgage held by Wright Patt Credit Union. The approximate balance owing on said mortgage at the time of filing was \$82,459.04. The mortgage is filed as Deed file number 2014-00028570, Parcel Numbers I39-00611-0025 and I39-00611-0026, of the Mortgage Records of Montgomery County, Ohio on June 5, 2014.

5. Nationwide Mutual Insurance Company was granted a judgment in the Court of the Municipal Court of Montgomery County, Western Civil Division Common Pleas, Case Number 2021 CVE 00412, and recorded as Judgment Lien No. 2022 CJ 219989, in the Montgomery County Common Pleas Court \$8,790.24, plus costs and interest at the statutory rate of 3% as of November 21, 2021.

6. The debt owing to Nationwide Mutual Insurance Company was listed in the Debtor's bankruptcy case and more specifically on schedule F of the debtor's Petition.

7. The debtor's personal resident is valued at \$86,570.00 as per the Montgomery County tax valuation. Therefore, in accordance with 11 U.S.C. § 506, there is no value in the real estate to warrant the certificate of judgment of Nationwide Mutual Insurance Company.

8. Pursuant to the formula in 11 U.S.C. § 522 (f)(2)(A), the sum of the lien and the debtor's exemption, exceed the value of the Debtor's interest in the Property absent any liens, as shown below:

Wright Patt Credit Union lien	\$82,459.04
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(Debtors residence)

Debtors homestead exemption	<u>\$86,570.00</u>
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Total: \$169,029.04

Nationwide Mutual Insurance Co. lien approx.	\$8,790.24
	\$0.00- equity

9. The existence of the judgment lien for Nationwide Mutual Insurance Company on debtors real property impairs the homestead exemption to which the debtor would be entitled under O.R.C. 2329.66 (a)(1) and under Section 11 U.S.C. § 522 (B).

10. Furthermore, as per 11 U.S.C. § 524 (A)(1), debtor is entitled to a discharge which voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor.

11. Upon the debtor being discharged, the judicial lien of the creditor, Nationwide Mutual Insurance, on the property will be avoided. If the creditor fails to timely release the judicial lien, the debtor may submit a copy of the order granting this motion to the applicable Court or Recorders office as evidence of the release of the judicial lien as described in the above number 3 of this Motion and as described in the order issued in this matter.

WHEREFORE, the Debtor respectfully requests the Court to issue an Order granting the Motion to Avoid the Certificate of Judgment of Nationwide Mutual Insurance Company and an Order to vacate and/or fully release the subject lien.

/s/Rebecca Barthelemy-Smith
REBECCA BARTHELEMY-SMITH
Bar ID # 0003474
Attorney for Debtor
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Dayton, Ohio 45414
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(937) 454-7344-fax
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NOTICE OF MOTION TO AVOID JUDICIAL LIEN PURSUANT TO 11 U.S.C. § 506 (d) AND § 522(f) and 524 (a)

Debtor(s) has filed a Motion to Avoid a Judicial Lien on real property pursuant to 11 U.S.C. §522 (f)(1)(A).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the Motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, U.S. Bankruptcy Court, Southern District of Ohio, 120 W. Third St., Dayton, Ohio 45402

OR your attorney must file a response using the court's ECF System.

The Court must receive your response on or before the above date.

You must also send a copy of your response either by (1) the court's ECF system or by (2) regular U.S. Mail to:

Rebecca Barthelemy-Smith, Debtor's Attorney, 7821 N. Dixie Dr., Dayton, Ohio 45414
Matthew T. Schaffer, Trustee, 10 W. Broad St., Ste. 2100, Columbus, OH 43215
Office of the U.S. Trustee, 170 North High St., Suite 200, Columbus, Oh 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

(20-31210)

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2023, a copy of the attached was served on the following ECF participants electronically through the court's ECF System at the email address registered with the court.

Rebecca Barthelemy-Smith, (Debtor attorney)
United States Trustee, (UST)
Matthew T. Schaffer, Trustee

And on the following by ordinary U.S. Mail, on 1/11/2023:

Steven R. Flint- 611 Beatrice Drive, Dayton, OH 45404 (1st class)

Nationwide Mutual Insurance Company, c/o Zeehandelar, Sabatino & Assoc. LLC-471 East Broad St., Ste. 1500, Columbus, OH 43215 (cert mail)

CT Corporation Systems, Statutory Agent, 135 N. Pennsylvania St., Ste. 1610, Indianapolis, IN 46204 (cert mail)

/s/Rebecca Barthelemy-Smith
REBECCA BARTHELEMY-SMITH

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PARID: I39 00611 0025

PARCEL LOCATION: 611 BEATRICE DR

NBHD CODE: 46022000

[Click here to view neighborhood map](#)**Owner****Name**

FLINT STEVEN R

Mailing

Name FLINT STEVEN R

Mailing Address 611 BEATRICE DR

City, State, Zip DAYTON, OH 45404

Legal

Legal Description 55 AVONDALE

Land Use Description R - SINGLE FAMILY DWELLING, PLATTED LOT

Acres .1435

Deed

Tax District Name RIVERSIDE CORP-MAD RIVER LSD

Sales

Date	Sale Price	Deed Reference	Seller	Buyer
03-MAR-09	\$116,000	200900013876	GILES MICHAEL D AND	PRIAULX RYAN T AND
03-JUN-14	\$100,000	201400028569	PRIAULX RYAN T AND	FLINT STEVEN R

Values

	35%	100%
Land	4,030	11,520
Improvements	26,270	75,050
CAUV	0	0
Total	30,300	86,570

Building

Exterior Wall Material BRICK

Building Style	RANCH
Number of Stories	1
Year Built	1966
Total Rms/Bedrms/Baths/Half Baths	5/3/1/1
Square Feet of Living Area	1,040
Finished Basemt Living Area (Sq. Ft.)	0
Rec Room (Sq. Ft.)	250
Total Square Footage	1,040
Basement	FULL
Central Heat/Air Cond	CENTRAL HEAT WITH A/C
Heating System Type	HOT AIR
Heating Fuel Type	GAS
Number of Fireplaces(Masonry)	1
Number of Fireplaces(Prefab)	

Current Year Special Assessments

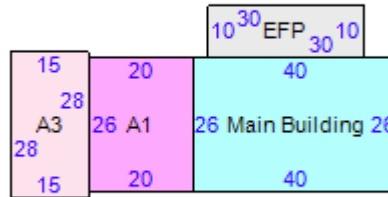
11777-APC FEE	\$21.50
41100-MCD/AP MCD/AQUIFER PRES SUBD	\$1.00

Current Year Rollback Summary

Non Business Credit	-\$205.70
Owner Occupancy Credit	-\$51.44
Homestead	\$0.00
Reduction Factor	-\$1,061.38

Tax Summary

Year	Prior Year	Prior Year Payments	1st Half	1st Half Payments	2nd Half	2nd Half Payments	Total Currently Due
2022	\$0.00	\$0.00	\$963.25	\$0.00	\$962.25	\$0.00	\$1,925.50



Item	Area
Main Building	1040
MSBRGAR - 23:MG/BG MASONRY/BRICK GARAGE	520
EFP - 12:EFP ENCL FRAME PORCH	300

CPORT - 30:CARPT CARPORT

420